

MILFORD PLANNING BOARD PUBLIC HEARING  
July 26, 2016 Board of Selectmen's Meeting Room, 6:30 PM

**Members Present:**

Christopher Beer, Chairman  
Paul Amato  
Tim Finan  
Doug Knott  
Janet Langdell  
Susan Robinson

**Staff:**

Lincoln Daley, Comm. Dev. Director  
Shirley Wilson, Recording Secretary  
Mitchell Hemmer, Videographer

**Excused:**

Kevin Federico, BOS representative  
Jacob LaFontaine, Alternate member

**MINUTES:**

1. Approval of minutes from 6/28/16.

**NEW BUSINESS:**

2. **Paul K. Amato Trust of October 29, 1998/Paul K and Nancy A Amato, Co-Trustees – Mile Slip Rd - Map 50, Lot 7.** Public Hearing for a six (6) lot conventional subdivision in the Residence R District. (New application – Keach-Nordstrom Associates, Inc.)

**OLD BUSINESS:**

3. **Little Nell Trust/Milred Ninety Six, LLC – Capron Rd – Map 43, Lots 57 & 58.** Major site plan to construct 124 new apartments consisting of 3 three-story garden style homes and 4 four-unit townhomes with associated site improvements.  
(Application tabled from 6/28/16 meeting)

**NEW BUSINESS cont'd:**

4. **37 Wilton Road Milford, LLC and 282 Route 101, LLC/MAC Realty, LLC – Wilton Rd – Map 6, Lot 14.** Public Hearing for a site plan to construct a self-storage facility with associated site improvements. (New application – Fieldstone Land Consultants)
5. **Souhegan Valley Boys & Girls Club, Inc./EMJA Realty LLC – Mont Vernon St - Map 21, Lots 23 & 23-1.** Public Hearing for a site plan amendment to construct a twelve (12') ft wide gravel drive for vehicular egress. (New application – TF Moran)
6. **Salt Creek Properties, LLC – Elm St – Map 18, Lot 16.** Public Hearing for a site plan amendment to create an indoor dog training facility and office space within an existing storage building (Building 2). (New application – Steve Desmarais)

**OTHER BUSINESS:**

7. **Whiting Hill Realty Trust/Falcon Ridge, LLC/ MaRick Land Company, LLC – Falcon Ridge Development/Long Hill Estates – Maple St/Falcon Ridge Rd – Map 3, Lots 5 through 5-45.** Request to amend revised improvements timetable and securities relating to Falcon Ridge Development.

Chairman Beer called the meeting to order at 6:30 p.m.. He introduced the Board and staff and explained the ground rules for the public hearing.

**MINUTES:**

J. Langdell made a motion to defer the minutes of June 28, 2016, to the next meeting. D. Knott seconded and all in favor. Motion carried by a vote of 6-0-0.

**Paul K. Amato Trust of October 29, 1998/Paul K and Nancy A Amato, Co-Trustees – Mile Slip Rd - Map 50, Lot 7.** Public Hearing for a six (6) lot conventional subdivision in the Residence R District.

Paul Amato recused himself from the Board for this application.

C. Beer read the notice of hearing and stated that the application was complete, per the staff memo. T. Finan made a motion to accept the application. J. Langdell seconded and all in favor; motion carried 5-0-0. J. Langdell made a motion that this application did not pose potential regional impact. S. Robinson seconded and all in favor; motion carried 5-0-0. S. Wilson read the abutters list into the record.

*No abutters were present.*

Chairman Beer recognized:

Patrick Colburn, Keach-Nordstrom Associates, Inc.

Paul Amato, Paul K. Amato Trust of Oct. 29, 1998

P. Colburn presented plans dated 6/1/16 and explained they are basically the same as submitted for the design review, last month. The fourteen acre parcel will be subdivided into six (6) new residential building lots ranging between two and three acres in size. This plan meets all zoning and development requirements with the waiver from open space subdivision requirements and we received state subdivision approval in June. Mr. Amato is prepared to run placards facing the new development to identify the space as conservation land, per the Conservation Commission's request. The lots have been monumented by the existing stonewall and the placards will be spaced at 50ft intervals. We have no concerns with staff recommendations.

J. Langdell inquired about the building envelope of lot 7-2. P. Colburn explained that the suitable building area will be situated on the Mile Slip side of the wetlands.

L. Daley inquired if there would be any improvements to Mile Slip Rd as part of this subdivision. P. Amato stated that we provided a plan with road details for the frontage along this development and have talked with Rick Riendeau, DPW Director, about what is needed in that area. J. Langdell clarified that the applicant will not be doing any of the improvements to Mile Slip Rd and the assumption is that the Town will do them, based on information that was shared to help the Town determine if, or what needs to be done. P. Amato reiterated that nothing has been designed or finalized yet and he will continue to work with Rick. J. Langdell said this is one of several subdivisions with possible off-site improvements and ended a brief discussion ensued regarding the quality and potential improvements to this road by stating that the Planning Board encourages the applicant to work positively with the Town regarding off-site improvements to that section of the road.

Chairman Beer opened the public portion of the meeting; there being none the public portion was closed.

S. Robinson made a motion to conditionally approve the application incorporating staff comments from the staff memo dated 7/20/16 and those details discussed tonight.

1. The plans be revised in accordance with Staff comments per the Staff Memo dated July 20, 2016:
  - a. Revise the Cover Sheet to include Planning Board signature block.
  - b. Revise Sheet 1, General Note 17 by changing the status from "Pending" to the NH DES Subdivision Approval number eSA2016062902.
  - c. Revise Sheet 1, General Notes by adding Note 18 stating the following, "On June 29, 2016, the Planning Board granted a waiver from the Milford Zoning Ordinance, Article VI, Sections 6.04.4:B and 6.04.6:D.1, in accordance with Milford Development Regulations, Article V, Section 5.08 to proceed with conventional design criteria for final application for the six (6) lot subdivision."

- d. To minimize the impact and preserve the rural/scenic character of Mile Slip Road, the applicant shall reuse the affected stones as part of subdivision design.
  - e. The Applicant shall receive the required driveway permits for the Town to construct the proposed driveways accessing Mile Slip Road. Any/all improvements shall meet the Town design standards set forth in Article VII: Roadway Regulations of the Development Regulations and an engineered stamped design shall be submitted for review and approval by Community Development and the Department of Public Works.
2. The Planning Board encourages the applicant to work positively with the Town regarding potential off-site improvements to Mile Slip Road.
  3. Placards, provided by the Milford Conservation Commission, be placed along the western boundary of the property identifying the conservation land.

J. Langdell seconded and all in favor. The motion carried unanimously; vote 5-0-0.

P. Amato returned to the Board.

**Little Nell Trust/Milred Ninety Six, LLC – Capron Rd – Map 43, Lots 57 & 58.** Major site plan to construct 124 new apartments consisting of 3 three-story garden style homes and 4 four-unit townhomes with associated site improvements.

C. Beer recognized:

Patrick Colburn, Keach-Nordstrom, Inc.

Ron Dupont, Little Nell Trust and Milred Ninety-Six, LLC

Rebecca Brown, GPI Greenman-Pedersen, Inc.

Dennis Mires, P. A, The Architects

P. Colburn presented plans dated 6/8/16 and gave a brief overview of the revisions since the May, 2016 meeting for the proposed 124 unit project that consists of three (36 unit) buildings and four (4 unit townhome) buildings.

Plan revisions:

We received ZBA approval for two special exceptions on 7/7/16; to exceed the 35 ft maximum height and for the wetland buffer impact in three locations on the site. We met with the Conservation Commission twice and held a joint site walk with the Commission and Planning Board.

The plan has also been revised, in accordance with the traffic report dated April, 2016, which triggered the need for a right turn lane off Rte101A onto Capron Rd. We will construct a sliver widening to create a 50ft ft turning lane going into Capron Rd with a 75ft deceleration lane. The traffic study also proves that the warrants for a right turn lane off Capron Rd onto 101A are not met. There is not enough traffic queuing on Capron Rd to make left turns to support a right turn lane and secondly the ROW on Capron Rd is too narrow to accommodate a third lane. The Town engineer noted that the gravel surface is worn, and used that as the basis to warrant the turn lane. We are also faced with design constraints; any turn lane would require a permanent easement for the ROW at Burger King and a retaining wall by the parking lot due to the 3:1 slope.

R. Brown explained that the traffic study included actual traffic counts from October, 2013 and projected traffic volumes from the recently developed Ocean State Job Lots and Cumberland Farms. J. Langdell said she can see how the numbers can get skewed with people who do a U-turn by Shaws instead of turning left out of Capron Rd. R. Brown said if that's the case, the warrants would be skewed more because they are based on the right turn volume. The need for the right turn in is based on not wanting to disturb the traffic flow, speed and volume along the main line which is Nashua St. The delay on the side street is mainly for left turners, and there's not really an impact. The dual center turning lane on Nashua St is staying. P. Amato asked if that was included in the off-site costs. P. Colburn said this will be part of the project cost, not towards the discussed contribution for Capron Rd.

Conservation Commission requests:

There are two wetland crossings on a jurisdictional drainage way and we will be upsizing the conduits to 48" diameter. We will use concrete that will be sunk one (1) ft below grade and infill with native wetland materials to emulate a natural crossing to enhance critter migration. P. Colburn said the twelve acres at the southwest portion

of the project will be precluded from development in the form of a no-cut restriction after construction is finished. The applicant is also willing to put that area into a conservation easement that will be privately owned and privately maintained by the applicant for use by the residents but would not be open to the public for liability reasons.

Landscape plan:

At the last meeting an abutter was concerned with the view from the mobile home park towards Building A. The existing tree line will remain untouched and we will enhance the 25ft wetland buffer. We received a zoning determination from Mr. Daley that we would actually be enhancing the area using plantings commonly accepted by NH DES for buffer restoration and so there would be no need for a special exception. J. Langdell noted that the Conservation Commission was in agreement with that interpretation at site walk. P. Colburn said we will also enhance the view from Nashua St and are proposing a dense planting of deciduous and evergreens, shown on the plantings list. The Ordinance was originally written incorrectly with diameter at breast height for plantings, which is commonly used for mature trees. We have tried to stay at ANSI standard for nursery stock and added a note to the Plant List to be measured at 4.5ft above ground to meet the intent of the Ordinance and when purchased will exceed minimum height requirements.

Architecturals:

D. Mires presented elevations dated 4/14/16 and described the layout of the buildings and facades. He also presented and described the street views from visuals dated 7/25/16. He verified that the tree lines will stay and that there are additional plantings on the revised landscaping plan. The building mix of units lends itself to a mix of window fenestration and the townhouses have cross gables to break down the rhythm and give it a more residential feel. The color scheme will use earth tones; Heather green and cream with white for windows and trim. The vinyl clapboard and shingles will have texture.

Off-site improvements:

P. Colburn said provisions for sidewalks along the entire length of the west side of Capron Rd have been added to the plan. The walks will be bordered with vertical granite curbing. We met with staff and discussed the need and calculations for a contribution. DPW sees the need for two improvements; a 15" corrugated metal pipe cross culvert at the foot of the hill that needs to be replaced and to overlay the full length of Capron Rd. During construction, the DPW Director would seek a routine roadway notification permit from DES and the easements for the ROW and in turn, the applicant or subcontractor will remove and replace the pipe. Capron Rd does need to be repaired but is it incumbent on the applicant to repair it on behalf of the Town when an affiliate of the applicant has certainly contributed to the Town's improvement fund via taxes at Eastern Trails for a number of years? There was also discussion about a sidewalk along and in front of Burger King, but DPW has money in the Nashua Street Improvements fund to construct that section but it also requires cooperation from Burger King. The applicant is prepared to commit to an \$11,000 offsite contribution for Capron Rd improvements, calculated by the DPW Director. That amount would fund the full cost of overlaying Capron Rd. The culvert replacement, the sidewalk along Capron Rd and the right turn in lane are part of this plan. P. Colburn added that there will be a lot of utility work to make way for the offsite improvements and sidewalk installation will be expensive.

J. Langdell said it's good to know that there is money in the Nashua Street Improvement fund; do we know how much? L. Daley said he will inquire.

P. Amato inquired who will maintain the sidewalk along Capron Rd in winter. L. Daley said the Town owns and maintains all the sidewalks in the community. P. Colburn explained that the Capron Rd sidewalk will not likely be ADA compliant due to the slope of the road, but it will be at the end of the road with a tip down detectable warning. Then, once the sidewalk is complete in front of Burger King, the two will be connected and DPW will stripe a crosswalk at the intersection.

D. Knott brought up the safety of crossing there from Dunkin Donuts. J. Langdell said that is due to the lack of crossings and a brief discussion ensued.

P. Amato inquired about the timing of the improvements. P. Colburn replied that will be outlined in the development agreement and he would suspect prior to issuance of the final C/O but we need to keep the cost in mind. P. Amato said he'd rather they be towards the beginning of the project. These apartments will be nicely

done, but it doesn't take away that it means at least 250 more people in that area. J. Langdell suggested maybe after the first two buildings at 50% construction.

On-site improvements:

J. Langdell brought up the roadway width. P. Colburn said there was a suggestion to narrow East Ridge Dr to 22ft from 24ft to slow traffic. He then explained that the standard for a local road is 22ft; however, the parking lot requirements stipulate a 24ft wide aisle. Also, the Milford Fire Department would prefer 24ft and discussion on waiving the requirements followed. J. Langdell stated that they could be waived, but the roadway will be going through parking areas and asked if there is a way to add in some driver access management features to encourage slowing down the traffic on the private road. A little less pavement may also mean more money for offsite improvements. P. Colburn said he was uncomfortable going against Captain Smedick. P. Amato said he would prefer to keep the aisle width at 24ft as proven for parking lots, but possibly go down to 22ft for the rest of the roadway. P. Colburn suggested speed bumps, humps or tables added in strategic locations or putting in a stop sign.

S. Robinson inquired about what was used in other developments to slow traffic. P. Colburn said this plan with a stop sign at the 3 way intersection would be appropriate. If using speed tables, you need to ensure that they don't disrupt storm and surface water. A lengthy discussion on traffic controls ensued. P. Amato expressed concern for people who live in the A & B buildings; they won't be able to back out because cars are driving by too fast. The concern is in the parking areas and coming down the hill, but the applicant knows he needs to provide for the safety of his tenants. R. Dupont said we really do want to control traffic. He then explained that signage looks wonderful on the first day or year but it becomes a management maintenance issue. We understand the need for some signage but you also have to be careful to not put too much out. Speed humps do work to control traffic, if constructed appropriately. J. Langdell said if some of these small measures help to slow traffic, it will allow children to walk on the side of the streets safely and help build a sense of community. P. Amato said we should leave it up to the professionals to determine the number and location of any speed humps. There was additional discussion on the width of the roadway and the discrepancy between the Development Regulations and the Driveway Standards. P. Colburn said rather than transitioning between the two widths for the road, a speed hump on a 24ft roadway would be far more effective to control traffic and the end goal would be achieved.

Chairman Beer opened the hearing for public comment; there being none, the public portion of the meeting was closed.

S. Robinson inquired about recreational space. P. Colburn said this development will be integrated with Eastern Trails and open to all residents for their use. The sidewalks will interconnect the sites. J. Langdell inquired about the rules regarding gas and charcoal grills for apartments. R. Dupont stated that each town is different they have to be a certain number of feet away from the buildings. We may have a gathering place somewhere near the new buildings but we are still trying to formulate our plans for the two communities. There already is a playground, a dog park and tennis courts at the existing facilities. I am a big fan of flowering trees and we'll be back for that. We will be making a significant investment.

J. Langdell asked staff about timing for the town to put in the additional sidewalk in front of Burger King having money in the Nashua Street Improvements fund and with the timing of this development. L. Daley said he can't answer that but the Planning Board can ask DPW to make it a priority going forward.

D. Knott made a motion to conditionally approve the application incorporating staff comments from the staff memo dated 7/23/16 and those details discussed tonight. T. Finan seconded.

1. Applicant shall provide legal description of easement labeled "Sewer Easement" as referenced on Sheet 1 of 40, General Note 1D to the Community Development Office for review and approval, and
2. A mylar of the Easement Plan be submitted to the Community Development Office for recording with the easements.
3. Applicant shall provide legal description of "Cross-Access Agreements" as referenced on Sheet 1 of 40, General Note 1E to the Community Development Office for review and approval.
4. A development agreement should be drawn up by the Town's and Applicant's attorney to be signed prior to the site plan signature requiring the applicant to complete the offsite improvements. These improvements shall include the completion of the drainage improvements for Capron Road, installation of the sidewalk on

Capron Road as shown on the plan set, and a financial contribution to be determined by DPW for resurfacing Capron Road.

5. This Site Plan is conditionally approved pending final issuance of approval of the Alteration of Terrain Permit and Wetlands Permit by the State.
6. The Site Plan is conditionally approved pending final resolution of all comments/recommendations by the Town's engineering review consultant.
7. Applicant and staff work out the number and location of speed humps to be added to the plan, for access management.
8. The rear portion of the property be identified for a potential conservation easement. Easement language shall be submitted to the Office of Community Development for review and approval.

Chairman Beer reopened the hearing for public comment, upon request from a member of the audience; there being no additional comments, the public portion of the meeting was closed.

Chairman Beer then called for a vote; all voted in favor. The motion carried unanimously; vote 6-0-0.

**37 Wilton Road Milford, LLC and 282 Route 101, LLC/MAC Realty, LLC – Wilton Rd – Map 6, Lot 14.** Public Hearing for a site plan to construct a self-storage facility with associated site improvements. (New application – Fieldstone Land Consultants)

*Abutters present:*

*Karen LeGault, Maple St*

Chairman Beer recognized:

Chad Branon, Fieldstone Land Consultants, PLLC

Andy Prolman, Prunier & Prolman

Mark Prolman, 37 Wilton Road Milford, LLC & 282 Route 101, LLC

Matt Ciardelli, MAC Milford Realty, LLC

C. Beer read the notice of hearing and stated that the application was complete, per the staff memo. J. Langdell made a motion to accept the application. D. Knott seconded and all in favor; motion carried 6-0-0.

Regional Impact:

J. Langdell said given the definition, one of the criteria for consideration is the proximity to neighboring towns and she would like to start the process that would allow the Wilton Planning Board to be considered an abutter if they wanted to make comment. L. Daley said the definition also looks at traffic impact and the roadway network. J. Langdell said there would be additional traffic generated and the Pine Valley area can get very congested. P. Amato noted that of all the uses that could go there, self-storage would have the least impact, but as a gateway to Wilton this may be OK. This property has been vacant for a long time and self-storage is a good use for this site and it doesn't create regional impact. C. Beer said regional impact would hold up the applicant for another month. J. Langdell referenced the Conservation Commission request for a joint site walk which would also delay the applicant.

A. Prolman stated that the Board made a determination a few years ago, that the Pine Valley Lofts development for fifty apartments and 25,000SF of commercial use, did not pose regional impact. Also, some years ago a proposal for a ten-lot subdivision came before the Board and again, no determination of regional impact was made. It would be a hardship to pull the team together for another month. We have been before this Board several times and there has been no significant interest from any abutters to date. J. Langdell said, for the record, she recollects that letters and comments were submitted by abutters and the Wilton Conservation commission for a prior proposal.

M. Prolman added that the approval of the Pine Valley Mill Residential and Commercial development had five times the magnitude of what is being proposed tonight for storage units. We have very little traffic and any regional impact would have been triggered before now. I have been before this Board numerous times and only one abutter ever showed up. If we don't get heard tonight, it will create hardship as we have state permits that are

dependent on this approval. Further, I am proposing to donate 17.5 acres of land on the river, as a gift to the Town. A. Prolman said he would speak to that later.

J. Langdell made a motion that this application did pose potential regional impact due to the proximity to the neighboring town borders with Wilton and potential impact on the roadway network. D. Knott seconded for discussion. J. Langdell explained the regional impact process which would allow Wilton to become an abutter to join the discussion. Board discussion on timing and notification followed.

Chairman Beer called for a vote. J. Langdell voted in the affirmative, P. Amato, T. Finan, C. Beer, D. Knott and S. Robinson voted in the negative; motion failed 1-5-0. S. Wilson read the abutters list into the record.

C. Branon presented plans dated 6/30/16 and explained the proposal to construct a 35,400 SF self-storage facility on a 7.6 acre lot. He reviewed the existing conditions of the property and gave a brief history of the prior projects. There are three access points off Wilton Rd and the property is burdened by a number of easements, a penstock pipe, a closed drainage system that runs along the pipe and several water and sewer easements along the road. The topography gently slopes from west to east and there are no jurisdictional wetlands on the property itself. The development will take place on the eastern portion of the site along with drainage, access, lighting and landscaping. We are proposing seven (7) buildings; three 6,000SF/150ft x 40ft, three 4,500SF/150ft x 30ft, and one 3,900SF/130ft x 30ft. Many layouts were contemplated but this will provide the largest buffering from Wilton Rd. All elements will provide a great improvement to Wilton Road over what exists now. The existing entrances are to be removed and restructured and we will construct a new entrance directly across from the Pine Valley Mill entrance and will exceed the sight requirements and eliminate any traffic conflicts. The design will provide a 25ft access around all the buildings and 25-30ft access aisles between the buildings which will be adequate for emergency vehicles and the operations as proposed. The stormwater management will consist of two infiltration basins located along the eastern boundary of the site. Drainage will sheet flow off the parking areas into drainage channels on both the north and south sides and convey the water into the infiltration basins. It will mitigate the quantitative and qualitative drainage requirements. AoT and Shoreland permits will be required and we don't anticipate any issues securing the permits through DES. We will be restoring much of the area by the Souhegan River. The structure will be removed as part of the project and site stabilization will capture stormwater, so again there will be substantial improvement over what is there today.

J. Langdell inquired about Building #1 as depicted in the architecturals. C. Branon stated that the architectural renderings are only examples of other storage buildings; our buildings will be longer.

D. Knott inquired about snow storage and asked if the chlorides would be going into the drain. C. Branon said all snow storage would happen at edge of pavement and any snow melt would be captured. The site will be self-contained and we have adequate separation from the high water table. M. Ciardelli added that they will use sand. The site will meet all local and state requirements.

P. Amato inquired about fencing. C. Branon said the entrance will be gated and will install fencing only if needed based on any security issues. There is not a lot of development here but we want to obtain approval for the fence now if needed in the future. The site will be paved.

L. Daley inquired about the Shoreland Water Protection Act requirements. C. Branon reviewed the location and requirements for the 50ft, 150ft and 250ft buffers. We will remove the existing structure that is within the 50ft requirements which will be an improvement. We are only cutting some trees within the 150ft woodland buffer to construct the stormwater basin and stormwater management is allowed in the buffer area and we will be able to satisfy the points system. Development is allowed within the 250' criteria, as that mainly pertains to chemicals. We have designed the plans to meet the regulations.

C. Branon stated that all work will be occurring in visible areas so why would a site walk be needed. L. Daley said the Conservation Commission may have wanted to see the possible impacts to the Shoreland area and the river but they can do a site visit independent of this application. C. Branon stated that they would be happy to meet with the commission but we're not clear on what they are looking for and we don't want to not hold up the planning process. J. Langdell said you are not subdividing the parcel so we have to consider the entire property as well as access to the back area and Pan Am Railways. C. Branon described the penstock and said there is room to

address any impact. J. Langdell said the Commission wanted to make sure that everything is in place for the Town should the land be donated. S. Robinson asked if that was considered an access road to the back lot because it is important. C. Branon replied yes, there is a legal access. A. Prolman explained that the owners of the Pine Valley Mill lot have a private access easement across lot 6/14, across the railroad tracks and across lot 6/15 to maintain the penstock and access the dam. In future discussion with the Board of Selectmen and the Conservation Commission we would propose that the Town would have the identical access easement; an easement on top of an existing access easement. It would not be a public roadway, it would stay a dirt road with public access over. There are many moving pieces here but I don't follow the Commission's concerns in the letter.

C. Branon said we are not proposing any snow storage in a wetland buffer area and it is not prohibited within the Shoreland Protection zone. We will work with NH DES on the permitting and will satisfy all regulations and criteria. M. Prolman stated that we are on the 8/11/16 Conservation Commission agenda.

L. Daley brought up outside storage and inquired if any relief was granted from the ZBA. J. Langdell stated that our regulations prohibit outside storage. M. Ciardelli added that we do not have outside storage at any of our other facilities and do not want external storage here. A brief discussion pertaining to the ZBA decisions and minutes ensued. L. Daley inquired about the future bus stop. C. Branon called out a reserved area on the plan that is located to avoid guardrails and visual obstruction. We know there has been an ongoing commitment with this property to provide it and we have every intention to provide an easement for a future bus stop. We can work with the Community Development Office regarding the specifics.

J. Langdell brought up the lighting. C. Branon said the LED wall sconces will be downcast and completely compliant. The lighting will be alternately located on the sides of each building to provide for security and will be adequate for the use. J. Langdell asked if there will be 24 hour access. C. Branon access has not been restricted as part of the variance. The site will be very low volume usage, and we do not want to restrict the hours. J. Langdell inquired about signage. C. Branon said the signage hasn't been designed yet but there is a note on the plan that states it will meet all regulations. The other facilities have a monument sign.

J. Langell said here's the challenge; there is buffering on all sides of the property but is there a possibility to put landscaping along this development, near the penstock for visualization coming down Wilton Rd heading east. C. Branon said the plan is geared toward the regulations but placing the vegetation along the frontage. Part of the success of this type of facility is to have some balance between exposure and landscaping. J. Langdell referenced Development Regulations, Article X, Section 10.02.4 pertaining to the minimum perimeter landscaping buffer and acknowledged this is difficult but maybe the parcel could be enhanced with some additional landscaping. C. Branon reviewed the elevations in the penstock area. S. Robinson stated that the applicant's other sites are very well kept but this is a gateway location for both Wilton and for Milford and it would be good neighborly practices to keep that in mind. M. Ciardelli said we are very aware of buffering and would be amenable to putting something in there to create a screen. D. Knott stated that the sizes chosen are correct but they are not to exact specifications. Again, caliper versus DBH but these are good size trees and still meet the intent; however, the language could be changed to match the regulations. C. Branon said he will add a note to the plan. J. Langdell referenced staff recommendation #5. M. Ciardelli said we can add varying species and will work with the landscapers to carry the same theme around the side of the building.

Chairman Beer opened the public portion of the meeting.

K. Legault said she lives on a hill this will be my view from above, looking down from my windows and yard. This plan is a dramatic change from all the many iterations of projects and proposals that I've been coming to, as an abutter and standing up and asking questions. Earlier it was mentioned that there was never anybody here, but I've been here repeatedly and there were other abutters in attendance at the other meetings. They were not notified for this meeting so we may be missing opportunity for abutters to get their say. There are new owners of an abutting lot that were not noticed. J. Langdell clarified that this is a new application and the initial meeting before this Board; however, the applicant was before the ZBA recently. L. Daley concurred. K. Legault said she understands the challenges of this lot but we are missing an opportunity to find a good fit for this neighborhood and this is not a good fit or a solution for the owners of the property or for the Town of Milford to make things move forward in an appropriate way. All the development that has happened in the mill has wonderfully

improved the appearance and there has been no negative impact from all the people who've moved in there. The homes, in what we call Pine Valley, have been improved as well, as they change hands they become more attractive. This is looking in an eyesore, something that is going to devalue my property and something that will be unpleasant to look at when the trees have no leaves. I will see the roof and the flowers; I like flowers and plant flowers but would like to be able to go outside and enjoy them. Also, if you put a fence in, it will look like I live in a neighborhood that is unsafe and people won't think of this as the neighborhood it is today. J. Langdell asked where her house was located. K. Legault explained it was the former Ram in the Thicket and said when the trees lose their leaves I can see the Irving Gas Station, TD Bank and an empty lot with an antique barn right now. That empty lot has potential and I'd like to see it developed into something that actually adds value to our neighborhood and to the Town as a growing, neighborly place. C. Beer clarified that the use of this land has already been approved for those units by the Zoning Board; that's not a decision this Board can make or contradict. P. Amato stated that the land is currently zoned ICI and a prior application for constructing a Family Dollar Store didn't have to go before the ZBA and that would have created more traffic and may or may not have been as attractive as this plan. Yes, there may be more roofs to look at, but it is a very low use and I agree an empty lot is better; however, the applicant also has the right to use their land. S. Robinson added that the demand for storage, for all forms of dwellings, is colossal. It is satisfying a need for people all around us and the applicant is going to do as much as he can to make it look lovely. He is conscious of your needs. J. Langdell noted that the applicant is someone who has been in this business for a few years and has a very strong track record of nice, neat facilities contrary to some of the storage facilities you might see in Nashua or elsewhere that look stark. K. Legault then made a request for taller trees and more plantings on the west side to make her personal impression and view better and to keep the neighborhood feel intact. To minimize the impact of the ugliness, the size and how stuck we will be with a storage facility with fencing where people come and go 24 hours a day in the back side of Milford where I live as a resident. J. Langdell said that is what the Board is trying to do. C. Beer added that is why we require landscaping and are requesting that it be continued around the side. This is a route from Wilton into Milford and we do want to beautify the site. K. Legault inquired about the Board's authority and said she thought the Planning Board could say this is not appropriate or the planning of the town's future and how we want to see things move forward. Although the Zoning Board approved the use, planning wise for the future and for this neighborhood this Board can do more than just make it pretty. You have to approve this. P. Amato said if the applicant meets our zoning, we can't disapprove something because we don't like it or we don't want more. C. Beer stated that the application can only be disapproved if it violates an Ordinance or our standards as defined in the Development Regulations. J. Langdell said we try to work with the applicant to get the best outcome for the Town of Milford that we can. S. Robinson said that the fencing, if installed, will be black vinyl clad. M. Ciardelli said they would prefer not to put a fence up if we don't have to. K. Legault asked what are the different ways we can minimize the impact aesthetically? What is to stop us from reducing the number of buildings? What can we do to address the fact that this has not always been here? Yes, we can call it an improvement because it's a change, but it's not actually improving the neighborhood or anything around it. D. Knott said that is your opinion, but you are not basing that on a standard. A brief discussion ensued to clarify the Board's requirements and guidelines.

Chairman Beer closed the public hearing.

J. Langdell inquired about the architectural. M. Ciardelli explained that the submitted architectural were only to give the Board a feel for what the buildings will look like; it is actually our climate controlled building at the other location. The color theme and roof pitch will be the same, and the same vertical siding will be used. We have not finalized all the details but we will maximize the footprint. Some of the units will have gable ends with 5ft doors and all the units will have doors on both sides except the furthest westerly building that will have doors only on the west side due to the grade. C. Branon explained that the northwest corner of the site runs from shallow to ledge and we are raising the elevation of that last unit to keep out of the ledge and access will only be on the west side with a rip rap area on the east side. M. Ciardelli stated that there will not be an onsite office.

L. Daley brought up the land donation. A. Prolman stated the self-storage application and the land donation are not contingent upon one another.

P. Amato made a motion to conditionally approve the application incorporating staff comments from the staff memo dated 7/23/16 and those details discussed tonight.

- a. Sheet 2 of 8, Notes. Add note citing the approval/date of the variance granted by the Board of Adjustment to permit the storage facility use.
- b. Sheet 2 of 8, Notes. Add note stating the property is subject to the Shoreland Water Quality Protection Act 250 foot reference line and 150 foot Natural Woodland Buffer limitations.
- c. The applicant shall work with the Community Development to finalize the design and location of the future bus stop shelter. Should an easement to accommodate future bus turnouts and shelters be required, the applicant shall submit an access and maintenance easement to Community Development for review and approval.
- d. Applicant shall work with the Conservation Commission to address the location and management of snow storage.
- e. The landscape design bordering Wilton Road shall, in keeping the same theme, species, and quantify, be continued around to the west side of the building travel way.

D. Knott seconded and all in favor. The motion carried unanimously; vote 6-0-0.

**37 Wilton Road Milford, LLC and 282 Route 101, LLC/MAC Realty, LLC – Wilton Rd – Map 6, Lot 14.**  
Discussion pertaining to donation of land.

A. Prolman brought forth a proposal to donate Map 6, Lot 15 to the Town of Milford; a 17.5 acre parcel between the Pan Am railroad tracks and the Souhegan River, to be used for passive recreation. We don't know what form the conveyance will take just yet, either an easement or an outright deed, but it will include limited access. The original easement from the railroad was intended for maintenance of the penstock and the dam. Railroads don't like at-grade crossings, so the nature of the limited access would not support hundreds of cars coming and going every day for an athletic complex, but there will be no strings attached in the conveyance. We have a meeting with the Conservation Commission on 8/11/16 and then there will be a two-hearing process with the Board of Selectmen that we will initiate. We have some legwork to do beforehand but the goal for tax purposes is to record, in some form by year end to an entity; the Town of Milford, Conservation Commission, Souhegan Valley Land Trust or the Society for the Protection of Forests. Tonight we are asking for a recommendation from the Planning Board to carry to the Selectmen regarding the support of the conveyance.

J. Langdell inquired if the Recreation Director and a Commissioner could be invited to the meeting with the Conservation Commission to hear the proposal. That would help in trying to provide a collaborative approach to conservation, recreation and land use planning. There aren't many drawbacks and there is a lot of potential for recreational and conservation purposes like some trails. The Board was in agreement that there weren't any negatives to this proposal and the applicant's good will is appreciated.

D. Knott inquired if there were any environmental surprises. A. Prolman referenced a 1972 plan that showed barracks there for mill workers.

P. Amato made a motion to recommend that the Planning Board submit a letter of support to the Board of Selectmen in appreciation of the gracious donation to the Town. J. Langdell seconded for discussion.

K. Legault, Maple St stated that she recalled transformers being stored in one area on that site with PCBs leaking from them. She didn't remember where exactly but there should be some thought or inquiry. Would it be difficult to do some sample tests? Of course, I like the idea of the Town having that land, but not if there are issues.

P. Amato amended the motion to state that the Board of Selectmen, in working with the property owner, will evaluate the environmental impacts prior to accepting a final plan. L. Daley noted that the Town is not going to accept the property and become a party in a potential environmental site without doing investigation. J. Langdell said that ownership versus an easement will also have to be addressed. D. Knott seconded and all in favor. Motion carried 6-0-0.

**Souhegan Valley Boys & Girls Club, Inc./EMJA Realty LLC – Mont Vernon St - Map 21, Lots 23 & 23-1.**  
Public Hearing for a site plan amendment to construct a twelve ft (12') wide gravel drive for vehicular egress. (New application – TF Moran)

*Abutters present:*  
*Tim Barr, Sunset Cir*

C. Beer read the notice of hearing and stated that the applicant has requested that the application be withdrawn.

P. Amato explained that Attorney Drescher would like to clarify the language in the easement before we move forward.

J. Langdell stated that normally a written request is submitted to put in the file.

D. Knott made a motion to accept the withdrawal of the application, without prejudice. T. Finan seconded, P. Amato abstained and all else in favor; motion carried 5-0-1.

Chairman Beer called for a five minute recess at 9:35PM.

**Salt Creek Properties, LLC – Elm St – Map 18, Lot 16.** Public Hearing for a site plan amendment to create an indoor dog training facility and office space within an existing storage building (Building 2).

C. Beer read the notice of hearing and stated that the application was complete, per the staff memo. J. Langdell made a motion to accept the application. S. Robinson seconded and all in favor; motion carried 6-0-0. P. Amato made a motion that this application did not pose potential regional impact. J. Langdell seconded and all in favor; motion carried 6-0-0. S. Wilson read the abutters list into the record.

*Abutters present:*  
*Susan Wilson, Ridgefield Dr*

Chairman Beer recognized:  
Steve Desmarais, Salt Creek Properties, LLC  
Jed Dokmo, Salt Creek Properties, LLC  
Denise Johnson, Good Mojo

S. Desmarais presented a plan dated 7/25/16, which was revised from a plan obtained from the Town files. The proposal is to use the existing warehouse for dog obedience and agility training. We previously renovated 10,000SF of office space in the adjacent wood building and tore down the connection between that and the warehouse. The site is approved for a lumber company, storage yard, used auto sales and even Christmas Trees for a while. The 24ft high, 120ft long warehouse is a pre-engineered steel building without any windows. From the street there are no changes to the property and access will be from the rear. The parking in back has been striped, as penciled in on this plan. There are 100 parking spaces depicted, including an area behind the building that is not line striped. The use will be to have obedience lessons, typically two (2) employees with ten (10) dogs, in the evenings and on weekends with an occasional romp or demonstration for 30-40 people. Tech Transport occupies the office area on the property and Contemporary Chrysler has the right to store cars on the property. Our master plan is to build another building, if it makes economic sense, on the front of the warehouse which was approved on a prior plan, but never constructed.

J. Langdell inquired if there was a limit to the number of cars Contemporary could store there as we would like to make sure the cars are parked in spaces and not necessarily on the green space in front. You have done some beautiful renovations that have really improved this site and we're just trying to get a few of the details out of the way. Once Contemporary's vehicles are moved, the site will still be approved for used auto and truck sales but the other uses have changed. Would you come back to visit the Board when Contemporary moves out because this site has 10,000SF of office space and what looks to be an unlimited amount of used car sales with no office. We are trying to find a balance when old plans come forward with new uses to make it the best we can for the Town of Milford. S. Desmarais said this was approved for car storage and he doesn't intend to give up any rights on this property because he was already thanked very well for making a beautiful building, by the Town of Milford with his tax bill last week. We made this building \$100,000 better and intend to make the property better and better, as we can afford to. I don't think you need to tell us how to do that, because when we can afford to, we will plant some trees and make it better, for the tenant. We want the whole street look great. J. Langdell

referenced the past errors where this Board didn't identify the area for display and the maximum number of cars. The question of intensity of use comes up for many locations in this town, not just this site. S. Desmarais said we don't foresee car sales for the future of this building, but I have an obligation with Contemporary to store his cars there.

P. Amato asked if all the office space is rented and if they had any parking problems. S. Desmarais replied that he put forty (40) line striped spaces in back for the offices and customers can park in front. The company in there uses forty (40) spaces maximum, from 8:00AM to 5:00PM. L. Daley stated that the regulations require three (3) parking spaces per 1,000SF of space. S. Desmarais said that would be thirty-three (33) spaces and the offices have forty-eight (48) spaces. P. Amato said not only does the front of the building look a lot better, but the back does too. He's paved a good portion of that and cleaned up the mess back there. This particular use is a low intensity use, there's not a lot of neighbors around and the dogs will be inside.

J. Langdell inquired about additional signage. S. Desmarais said we will do a sign plan shortly and will get a new monument sign made. J. Langdell asked what the Fire Department's concerns were. L. Daley said general access to the back of the building and access to the building itself. S. Desmarais said we'll have to do a plan and they will have to review it. We have a building plan, but it will change a little bit; we need to do the alarms and the doors will have to swing out. The bathrooms were in the connection that was torn down and we will have to reconnect that. We are working out the configuration. The dog facility will use 60% of the warehouse as I have an obligation to someone for the warehouse but if I can find another place for them to go, the dog facility may use the entire structure. J. Langdell said we will need to be clear on the use for the minutes because the staff memo references 4,800SF. S. Desmarais noted that there will not be any office in there either. It will be a big open room with two toilets and a little kitchenette to have a coffee pot. L. Daley asked if the use expanded to the entire warehouse, would that result in an increased number of employees or clients. S. Desmarais said he stated the increased numbers; thirty (30) or so would come for a 4-5 hour agility session but the normal training would be two (2) employees with 10-12 dogs. The small events and demonstrations would be part of the usage. Tech Transport only has one or two employees on Saturdays so there is enough parking.

Chairman Beer opened the public portion of the meeting; there being none the public portion was closed.

P. Amato made a motion to approve the application. T. Finan seconded and all in favor. The motion carried unanimously; vote 6-0-0.

**Whiting Hill Realty Trust/Falcon Ridge, LLC/ MaRick Land Company, LLC – Falcon Ridge Development/Long Hill Estates – Maple St/Falcon Ridge Rd – Map 3, Lots 5 through 5-45.** Request to amend revised improvements timetable and securities relating to Falcon Ridge Development.

Chairman Beer recognized:

Andy Prolman, Prunier & Prolman

De Desharnais, Whiting Hill Realty Trust

A. Prolman reviewed the history of the development that initially came before this Board twelve years ago and came to a screeching halt in 2008-2009 due to the economy. The project is finally gaining momentum. There are 4-5 lots under contract with homebuyers and we are asking for an 18 month extension for the completion of the remaining on-site work which is the top course of asphalt. We don't want the Town to accept the roadway with top course when construction trucks will be driving on it for the next year or two. It doesn't make sense. The entire road was paved to base coat in 2008-2009, except for the cul-de-sac at the top and it doesn't look too bad. After a brief discussion on dates, Attorney Prolman revised the request to 24 months as it would make more sense to have the completion date in either fall or spring.

P. Amato inquired about the phasing. L. Daley said the development was broken into three phases and he will have to check on the build-out.

A Prolman said the second request is for the off-site improvements at the corner of Wilton and North River Roads. L. Daley referenced the cover sheet of original subdivision and off-site improvements and acknowledged that the Maple St improvements have been done. The remaining portion looks to reconfigure and realign the

intersection and also widen North River Road coming onto Wilton to improve sight distance, access and maneuverability for cars and emergency vehicles going onto North River Rd. The color photographs show the conditions prior to being filled in. During the discovery in trying to complete those improvements to the corner, the applicant discovered several challenges; the penstock under that section of roadway and also that the improvements might actually include a portion of the bridge itself which was not anticipated as part of the original plan.

P. Amato asked if they could swing the road to the west. A. Prolman began by stating that the two revolving surety bonds that have lapsed will be taken care of and in hand to the Town by the end of the week. He then said when this development was approved there was not a lot of thought that went into the corner. The plan did not make for a well-designed intersection; the engineer said we can nick the corner to soften it and that was OK with the Board. It was anticipated that the job would be around \$10,000-20,000. As it turns out, the sidewalk is a structural part of the bridge and the estimated cost is well over \$100,000. I agree with Mr. Daley that we haven't proven our case and have more work to do to show that the costs are going to be significant. Also, who knows what we'll find when we open it up. The penstock is not ours; it serves the hydro power facility and we can't mess with it. This is a far trickier thing than the applicant or the Board contemplated and this is the last remaining piece. Part of the work we need to do is to give this Board an answer if there is an alternative. There may not be, but we do have more work to justify our case to request that this be removed as a condition of approval.

P. Amato said we didn't design, we just approved. If you don't want to build what you designed previously, you can ask us to forget it or you can come back with an alternative design. We need to hold the applicant's feet to the fire on this and get it done because we've had many false starts with this plan and it's not fair to the Town or the people who live out there. J. Langdell said the purpose of all this was to improve the line of sight and to make a left turn safely onto Wilton Rd; that is the goal. The discussion of these improvements came up with Pine Valley Mill and other prior plans. It's continually been brought up and I don't care what the solution is if we get to the goal which was to improve the access point and visibility. P. Amato said go to your engineer and see how close you can get to the outcome we're looking for, within a reasonable amount of money. Had you tried to build it when you were supposed to, we would have known this a number of years ago. A. Prolman said on the flip side, had the market stayed where it was this cost might have been absorbed but it truly was not anticipated that this little accommodation would turn into rebuilding a bridge.

A. Prolman said we are desperate to get building permits in hand because we have contractual obligations to homebuyers and we will have bonds in place by the end of the week; however, we can't have staff recommendation #3 tied to the building permits as that will take time. It is a longer process and we have to build homes.

A perspective homebuyer in the audience spoke up and said they've already been delayed 6-8 weeks.

P. Amato said his problem is that with this particular applicant we have had deadlines missed after deadlines missed and the only reason they are here tonight is because we've stopped issuing building permits, otherwise this would have gotten kicked down the road again. J. Langdell said she didn't think so, it was because of the bonds and because Lincoln was able to pick up on the expiration of the other pieces. We have been in a transition with the change of staff. L. Daley clarified that the third or fourth revision to the development agreement required the applicant to resolve this off-site issue by July 1<sup>st</sup> of last year, so this is a known issue. It's been revised, pushed and punted down the road and here we are right now. I understand the issue with the homebuyer but to Paul's point we need to hold the applicant accountable to some degree and require this to get done. We are looking to make the Town whole by providing enough surety to cover the true cost of both the on-site and off-site improvements and our goal is to continue the building process. We don't want to withhold building permits unnecessarily, but this has been an ongoing issue since 2008 and is still unresolved. J. Langdell said if we get the sureties for what is on paper now and allow the building permits to go forward, we should put a deadline for the applicant to come back to the Board with alternatives because we want to know what the plan is. If we don't hear from you in three months, then we're shutting development down. P. Amato said we should also limit the number of building permits issued within those three months. C. Beer stated that the phasing on the plan limits the applicant to fifteen (15) building permits in year 1. L. Daley said there are four existing homes and five building permits. I am not adverse to allow the release of some building permits but in going back to previous discussion by the Board for granting the extension, part of that extension was requiring the applicant to provide a design for

the off-site improvements and it hasn't been done yet. J. Langdell said she didn't recall the redesign being part of the discussion or extension. P. Amato said he thought the discussion was more about the timeline not the design. L. Daley said that was because there was no design; they cannot build the design that was approved in 2007. P. Amato asked if the applicant knew they couldn't build this a year ago? L. Daley said yes, that was part of our discussion.

A Prolman said we have five homes under contract and we could have another five in the next three months. He suggested that the Board allow ten (10) building permits and we will come back in three months with an answer to the off-site design. P. Amato read the phasing from note #22 on the approved plan and stated that the building permits are not cumulative and said staff will have to figure out how many can be issued. J. Langdell acknowledged that this is a difficult development and we don't want to hamper commerce and development so this would give an opportunity to get ten homes sold in the next three months and give us an answers to the cost and an alternative. P. Amato said three months will take us to October and they won't be able to do anything in the winter. If they want ten building permits, they need to move the process faster. We've been very patient with this over the years. I propose they get five (5) building permits and come back in sixty (60) days with a plan and do the off-site improvements this fall, then we will release the remainder of the building permits. A. Prolman stated that we may come back asking to be relieved from this condition and I will have to make our case that this is not an unsafe corner; we have more work to do. J. Langdell added that you might be able to come back showing that an alternative might work to meet the goal or at least 80% of that goal set up in 2008. L. Daley said he agrees with the Board's stance and that has been represented to the applicant several times over the past few months including when we met with them; just give us an alternative. We are open to the opportunities that exist out there, but we need a design to make that judgement. J. Langdell asked what the Board would be comfortable with as a solution for the immediate situation. P. Amato reiterated his frustration and applauded the town for putting a line in the sand on this. The applicant is making commitments and selling things they cannot produce; that puts people in a very precarious situation. D. Knott said maybe we're beyond reasonable and there needs to be some show of performance but he would tend to be more flexible with permits and less with the timeframe. He suggested seven (7) building permits and sixty (60) days to provide a solution for the off-site improvements. C. Beer said five building permits would alleviate the immediate pressure, but the other option is to not issue any permits until there is a solution. We are within our rights to say you had a deadline and you didn't meet that deadline. Yes, there are more parties involved right now, but they are selling property that they can't build on and they knew that. The conditions of the development agreement were clear. D. Knot asked if there were reasons why it hasn't been done. L. Daley clarified that it's not the Board who decides on the number of building permits, it is the Community Development Department that makes the decision whether to issue the building permits and the number of permits.

P. Amato made a motion to recommend the revisions for off-site improvements as follows; that

1. The applicant shall submit a plan, a cost estimate and a timetable to execute the off-site improvements to the Planning Board within sixty days or prior to September 27, 2016.
2. Any outstanding subdivision security be in place prior to the issuance of any building permits.
3. Planning Board recommends to the Office of Community Development the issuance of no more than seven (7) building permits to the September 27, 2016 meeting.
4. Staff shall review the current subdivision phasing plan and provide a recommendation for Planning Board consideration and approval.

T. Finan seconded and all in favor. The motion carried unanimously; vote 6-0-0.

P. Amato made a motion to recommend the revisions for the on-site improvements be completed by 5/31/17. J. Langdell seconded for discussion. L. Daley stated that the road is in good shape. C. Beer amended the motion to state that the onsite improvements for the road be completed prior to 6/1/17. T. Finan seconded and all in favor. The motion carried unanimously; vote 6-0-0.

**8/2/16 Worksession:**

After discussion on various dates, it was determined by the Board to cancel the August worksession.

Items that still need to be addressed and discussed:

- Revisions to the Landscaping Regulations,
- Updates to the Recreation Chapter of the Master Plan
- Accessory Dwelling Units

The meeting was adjourned at 10:50PM on a motion made by P. Amato, seconded by T. Finan and all in favor.

Motion to approve: K. Federico

Motion to second: T. Finan

**MINUTES OF THE 7/26/16 MEETING APPROVED ON AUGUST 23, 2016**